

DETERMINATION OF ELIGIBILITY (DOE) CHECKLIST

I. GENERAL INFORMATION:

APPLICANT: Claude Lehouiller Family Trust

APPLICATION #: 61-NAE-2011-0835

DATE RECEIVED: 21 June 2012

DESCRIPTION OF WORK: Retain and maintain the mechanized clearing of and placement of fill in about 20,314 sq. ft. (0.47 acre) of wet meadow adjacent to the Lamoille River off Hogback Road in Johnson, Vermont. About 4109 sq. ft. (0.09 acre) of scrub-shrub wetland will be restored, and about 64,697 sq. ft. (1.5 acres) of wet meadow will be taken out of crop production and brush-hogged annually after August 15th. Drainage tile that was installed through the wetlands will be disabled by breaking/severing the tile in 5 locations. The purpose of the work was to create additional cropland.

II. PRELIMINARY JURISDICTIONAL DETERMINATION

Our preliminary determination of jurisdiction is that the aquatic resources within the review area are waters of the United States due to the presence of: (Check all that apply)

- ☐ TNWs, including territorial seas
- ☒ Wetlands adjacent to TNWs
- ☐ Relatively permanent waters (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs
- ☐ Wetlands adjacent to RPWs
- ☐ Impoundments in jurisdictional waters

WATERWAY: Wetlands adjacent to the Lamoille River, a TNW.

AUTHORITY: Section 404 CWA

CATEGORY: 2

III. INLAND WATER OR WETLAND? No

A. EXCLUSIONS (Check Yes if Exclusion Applies):

YES

NO

- 1) WETLAND/WATERWAY FILL OVER 1 ACRE:
- 2) REPLACEMENT OF SERVICEABLE/NON-SERVICEABLE FILL W/EXPANSION OVER 1 ACRE:
- 3) EIS REQUIRED:
- 4) ANY ACTIVITY THAT WOULD IMPINGE UPON THE VALUE OF ANY NATIONAL WILDLIFE REFUGE, NATIONAL FOREST, OR ANY AREA ADMINISTERED BY THE NATIONAL FOREST SERVICE.
- 5) ANY ACTIVITY THAT MIGHT AFFECT A FEDERAL-LISTED OR PROPOSED THREATENED OR ENDANGERED SPECIES, OR THEIR CRITICAL HABITAT:
- 6) ANY ACTIVITY THAT WOULD ADVERSELY AFFECT OR OCCUR IN A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVER SYSTEM OR A STUDY RIVER:
- 7) PROJECTS OF NATIONAL CONCERN:

NOTES:

IV. LAKE CHAMPLAIN, LAKE MEMPHREMAGOG, WALLACE POND OR ADJACENT WETLAND? Yes

A. EXCLUSIONS (Check Yes if Exclusion Applies):	YES	NO
1) WETLAND/WATERWAY FILL OVER 5000 SQ. FT.:		X
2) REPLACEMENT OF NON-SERVICEABLE STRUCTURE OR FILL:		X
3) EIS REQUIRED:		X
4) MAINTENANCE DREDGING AFFECTING SPECIAL AQUATIC SITE:		X
5) NEW OR MAINTENANCE DREDGING GREATER THAN 5000 CY:		X
6) DREDGING WITH OPEN WATER DISPOSAL		X
7) STRUCTURES. PIERS, FLOATS THAT EXTEND OR W/DOKED OR MOORED VESSELS WILL EXTEND WITHIN HORIZONTAL LIMITS OF FEDERAL NAVIGATION PROJECT:		X
8) STRUCTURES ASSOCIATED W/NEW COMMERCIAL BOATING FACILITY OR PREVIOUSLY UNAUTHORIZED BOATING FACILITY:		X
9) ACTIVITIES WITHIN HORIZONTAL LIMITS OF CORPS FEDERAL NAVIGATION PROJECT OR WITH DOCKED OR MOORED VESSELS EXTENDING WITHIN THOSE LIMITS (NOT INCLUDING UTILITY LINES, AERIAL LINES AND SUBSURFACE CROSSINGS)		X
10) ANY ACTIVITY THAT WOULD IMPINGE UPON THE VALUE OF ANY NATIONAL WILDLIFE REFUGE, NATIONAL FOREST, OR ANY AREA ADMINISTERED BY THE NATIONAL FOREST SERVICE.		X
11) ANY ACTIVITY THAT MIGHT AFFECT A FEDERAL-LISTED OR PROPOSED THREATENED OR ENDANGERED SPECIES, OR THEIR CRITICAL HABITAT:		X
12) ANY ACTIVITY THAT WOULD ADVERSELY AFFECT OR OCCUR IN A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVER SYSTEM OR A STUDY RIVER:		X
13) PROJECTS OF NATIONAL CONCERN:		X

NOTES:

V.	PROCEDURES (CHECK YES FOR COMPLIANCE WITH PROCEDURE)	YES	NO
A.	APPLICATION PLANS/INFORMATION CONTAIN APPROPRIATE AND CLEAR INFORMATION AS REQUIRED.	X	
B.	THIS DOE HAS BEEN COMPLETED AND GIVEN TO FWS, EPA, VTSHPO AND VTDEC.	X	

IF YES - DATE: By e-mail on 6/21/12

V.	CONDITIONS	YES	NO
A.	BASED ON A REVIEW OF THE PROPOSED PROJECT AND ALL GP CONDITIONS, THE CORPS EXPECTS THAT THE PROPOSED ACTIVITY WILL BE CARRIED OUT IN CONFORMANCE WITH PERMIT CONDITIONS.	X	

VI. DETERMINATION OF ELIGIBILITY

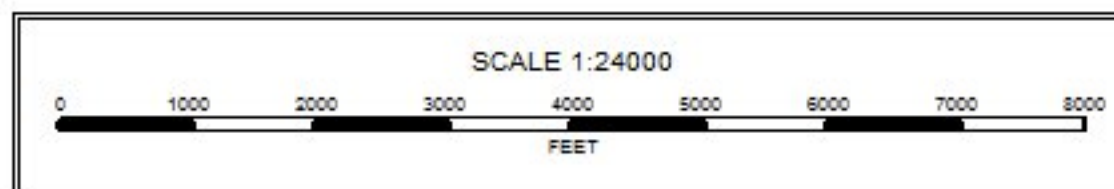
A. COMMENT PERIODS:

DATE CORPS RECEIPT OF COMMENTS:

NOTES:

NOTES:

WRITTEN NOTIFICATION TO APPLICANT BY LETTER DATED:



Wetland Restoration Plan Lehoullier Trust Farm

Johnson, Vermont

Natural Resource Consulting Services

New Hampshire Office:
95 Silver Lake Rd.
Tilton, NH 03276
603-729-0214

Vermont Office:
67 West shore Rd.
Grand Isle, VT 05458
802-878-4800

Date drawn: 8/23/2011

Revised: 01/12/2012, 6/17/2012 (notes added)

NOTES

AREA X

The area designated as Area X [4,109 square feet] will be excavated to the approximate original grade by removing 19-26" of fill. This fill will be spread and leveled in upland portions of the surrounding agricultural field. These upland disturbed areas will be seeded with agricultural forage crop seed. The edges of the excavation area [X] will be tapered so as to allow a short transition between the un-excavated upland and the restored wetland. The work will be done in a low flow period between June 20 - Sept. 15, 2012. Since the work area will be an isolated basin, there is no need to erect silt fence around it. Area X will be planted with Wetland Seed Mix from New England Wetland Plants. Five 2-3' tall High Bush Cranberry, five Swamp Rose, 2-3' tall and five High Bush Blueberry shrubs, also 2-3' tall will be randomly planted in Area X. The perimeter will be staked with cedar fence posts at 40-foot intervals and allowed to re-grow to whatever native forbs, trees and shrubs colonize it, and will not be mowed.

AREA Y

The Lehoullier Farm Trust will continue to crop all wetland and upland areas except X and Z as noted above. Area Y's fill is allowed and this area will be cropped. Area Z will be annually mowed after August 15th.

AREA Z

The area designated as Area Z [64,697 sf], that is the portion of the earlier mapped Z-wetland east and north of the dotted line between Z3-Z28, will be mowed annually after Aug. 15th. Area Z and will be allowed to re-vegetate to native grasses and forbs. All remaining wetland and upland areas outside of Areas X and Z will be cropped bi-annually for hay.

DRAINAGE TILE

The drainage tile will be cut with an excavator in a minimum of five [5] locations, to restore the natural hydrology.

REPORTING

All aspects of the restoration process will be photo-documented. NRCS will prepare a brief written report to the COE at the conclusion of the 2012 work. The area will be monitored for five years [2012-2016]. An NRCS ecologist will visit the site annually to evaluate the re-vegetation of the site, erosion control and to determine if the natural hydrology has been re-established. The goal will be to have 95 percent ground coverage alive at the end of the first growing season, and for 85 percent of the planted shrubs to be alive [root sprouting is alive] in the second year of monitoring [2013]. Two shallow ground water monitoring wells will be installed just outside of Area X and monitored monthly in the growing season. If the data from the wells indicate that the ground water is within 18" of the pre-restoration soil surface for 14 or more days of the growing season, or if surface water persists in Area X for 14 or more days in 2012 or 2013, then the owner will request to the COE that monthly water monitoring and annual reporting be discontinued. Invasive plants [giant reed grass, purple loosestrife, Japanese knotweed] will be hand-pulled or individually sprayed with Round Up if found during the monitoring period. An annual letter-type report will be prepared for the COE at the end of the each growing season [2012, 2013, 2014, 2015 and 2016].

